

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 4th day of June 1998

B e f o r e

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

W.P.No:6852/90 c/w. WP.Nos:10144 to 10151/89

BETWEEN:

W.P.6852/90.

M.Mallikarjun, s/o Mariyappa,
aged 28 years, Kalamma Temple
Street, Kote, Malavalli taluk,
Mandya District.

... Petitioner;

(By Sri.Mohandas N.Hegde)

WPs:10144 to 10151/89.

I. . . Thimmegowda, s/o Thimmegowda,
aged 40 years,

Bettegowda, s/o Bettegowda,
aged 65 years,
(Both are r/o:Ugranapurada-
doddi, Malavalli taluk,
Mandya Dist.)

Thimmegowda, s/o Bettegowda,
aged 62 years,
Anjaneya Temple street,
Fort, Malavalli.

(WP.10145/89)

Mallegowda, s/o Chikkalingiah,
aged about 52 years; ;

(WP.10146/89)

Bommegowda, s/o Manchegowda,
aged 75 years;

WP.10147/89.

Venkategowda, s/o Venkategowda,
aged 80 years;

WP.10148/89.

Subbegowda, s/o Bhujangagowda,
aged 65 years;

WP.10149/89

Kalegowda, s/o Hondegowdara Channe-
gowda, aged 58 years;

WP.10150/89.

Venkatesh, s/o Venkategowda,
aged 35 years;

WP.10151/89.

P.Malliah, s/o Kullegowda,
aged 70 years.

(All petitioners are r/o:
Ugranapuradadoddi,
Malavalli taluk,
Mandya District.)

...Petitioners;

(By Sri.Mohandas N. Hegde)

AND:

1. State of Karnataka,
rep. by Secretary, Dept. of
Social Welfare & Housing,
Govt. of Karnataka,
Vidhana Soudha, Bangalore-1.

2. Deputy Commissioner,
Mandya District,
Mandya.

3. Town Municipal Council,
Malavalli,
by Administrator.

... Respondents;

(common in all petitions)

(Sri. K.Nagaraja, HCGP for R1 and R2 in all
petitions;

Sri. C.N.Kamath for R-3 in WPs.10144 to 10151/89;
R-3 in WP.6852/90 served)

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All these petitions are filed under Arts.226 and 227 of the Constitution praying to quash the award dated 3-10-1988 produced as Annexures-B and C respectively in these petitions.

All these petitions coming on for hearing this day, the Court made the following:-

O R D E R

In all these petitions, the petitioners have challenged the awards passed by the 2nd respondent determining the market value of the lands acquired for the purpose of distributing the sites to the persons belonging to the weaker section of the community, under the provisions of the Karnataka Acquisition of Land(for Grant of House Sites)Act, 1972 (for short 'the Act').

2) It is further submitted by Sri.Mohandas N.Hegde, learned counsel for the petitioners that the authorities are selling the corner sites in public auction contrary to the purpose for which the lands have been acquired, which is illegal.

3) The acquisition proceedings were initiated firstly in the year 1976 and ultimately after a long litigation final notification ~~was~~ issued under Sec.3(4) of the ~~L.A.~~^LAct, has been confirmed by this Court by dismissing

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the writ petitions filed by the land owners in the year 1987. Thereafter, the Land Acquisition Officer passed an award determining the market value of the lands in question.

4) The petitioners are unable to point out the illegality, if any, committed by the L.A.O., in passing the impugned awards. Assuming that the market value so determined by the L.A.O., is on the lower side and the same is not in conformity with the provisions of the L.A. Act, it is open for the petitioners to file applications for reference, under Sec.18 of the LA Act, before the Civil Court, since the awards are only an offer made by the L.A.O. in respect of the lands acquired. When such being the case, I find no reason to interfere with the impugned awards.

5) The grievance of the petitioners is that the lands have been acquired for the formation of sites and to distribute ^{in said sites} ~~them~~ to the persons belonging to the weaker section of the society. If that is so, there is no reason for the authorities to auction the sites in question with a view to get more money. If the authorities were to sell the sites in public action, it would defeat the very purpose for which

the lands in question have been acquired. Therefore, the respondents shall take steps to form the sites and distribute the same to the persons belonging to the weaker section of the society. The respondents shall not sell the sites in public auction as it amounts to defeating the very purpose of acquisition of lands.

6) With the above observations, writ petitions are rejected.

Sd/-
JUDGE



Hsf.